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SUBJECT: KARZAI NOMINATES SABIT FOR ATTORNEY GENERAL

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¶1. (SBU) SUMMARY: President Karzai nominated Dr. Abdul Jabar Sabit as Attorney General on August 8. The Embassy has worked closely with Sabit on several issues including the Counternarcotics Law, Anti-Terrorism Law, and detainees. Although a somewhat volatile personality, his appointment seems like a move in the right direction; he is well qualified and respected by many in the international community.

¶2. (SBU) Dr. Abdul Jabar Sabit, a 61 year old Pashtun, has been an effective partner for the Embassy in all aspects of law enforcement and legal reform and one of the most competent lawyers in Afghanistan. Sabit has served as Legal Advisor to the Ministry of Interior since 2003 and has maintained an open and honest relationship with the Embassy. Sabit is more conservative than moderate in his views; for example he has supported raids on restaurants serving alcohol to Afghans and has been equivocal on the proposed new Department for Vice and Virtue: he has made it clear that while he may support the new department he firmly opposes any enforcement capacity as was the case under the Taliban. While he has always been very frank about his views, he is willing to listen to other arguments and take them into consideration. The UN and EU representatives (whose views were not sought by Karzai) would have preferred another candidate who we felt was much less likely to begin prosecution of corruption. END SUMMARY.

BIOGRAPHIC INFORMATION

¶3. (SBU) Dr. Sabit received a law degree from Kabul

University School of Law in the late 1960s and a J.D. from George Washington University in 1977. He also holds a Ph.D. in economics from George Mason University. He has worked for the Taqin, the legislative drafting unit, at MOJ for many years. In the early 1970s he led one of its two sections under now- Chief Justice Azimi and knows the Afghan justice system intimately. He has a reputation as a scholar, publishing numerous scholarly articles on law, the Afghan-Soviet conflict, and on the struggle against the Taliban. Dr. Sabit worked and taught law in Peshawar from 1978 until about 1983 when he was recruited by the VOA to work in the U.S. He worked in Washington for VOA from 1983 through approximately 1992. During the same period he also worked with former MOI Jalali in the U.S. at the VOA. After leaving the VOA, Dr. Sabit taught international law in Canada and Pakistan until 2002. He also established and ran a Human Rights Commission in Pakistan in the mid 1990s. He returned to Afghanistan in early 2002 to work with U.N. before joining the government in 2003. Since 2003 he has worked as Legal Advisor for the MOI.

14. (SBU) Dr. Sabit has a son who is a neurosurgeon in New Jersey (US Citizen); a son who is a medical student at McGill University in Montreal, Canada; and a daughter in law school at McGill University in Canada.

SABIT'S RECENT WORK WITH THE EMBASSY

15. (SBU) Sabit started working with the UN upon his return to Afghanistan. The UK later persuaded him to work at MOI as Legal Advisor to former Minister Jalali in early 2003 to advise them on narcotics enforcement

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and legal issues. He was selected by the UK in 2004 to establish the Criminal Justice Taskforce (CJTF), and he selected the initial members of the CJTF. He has served as the UK and CJTF's principal advisor for counternarcotics.

16. (SBU) Over the last two years, Dr. Sabit has worked closely with the embassy on several key legal issues. One of the most high profile was the new Counter Narcotics law on which he was the primary Afghan interlocutor. Dr. Sabit also wrote the legal opinion on the extradition of Baz Mohammad in October 2005. More recently he worked on new extradition regulations, that were sent to the Taqin for passage by decree.

17. (SBU) With regard to military issues, he has served on the Afghan Detainee Working Group and led a team of Afghans to visit Guantanamo in May 2006. He has also worked on drafting military court laws in September and December 2005 and his assistance was critical to their approval by Taqin and passage by Cabinet.

18. (SBU) Most recently Dr. Sabit has worked on the Anti-Terrorism law which was recently submitted to the Taqin and GoA. He has said he plans to make fighting corruption a key priority, an issue that most avoid. He also said he would use the CN law and CN court jurisdiction until a complete reform of corruption laws can be completed. He will likely need and seek US help on this task.

19. (SBU) Another likely change will be reform of the Attorney General's Office. He has been called an excellent administrator and has suggested he will likely reform the entire office but will need US help on this issue as well.

ON VICE AND VIRTUE

¶10. (SBU) Sabit's position on Vice and Virtue Department is simple - he does not want anything that even hints of a return to the Taliban ways, but fully supports the reinstatement of the department under restricted terms. Over the past two years he has worked to roundup Chinese prostitutes working in restaurants in Kabul and has confiscated alcohol from several restaurants accused of serving alcohol to Afghans. He feels strongly that Afghans need to be protected from such vices and considers it his duty to enforce these Sharia laws. When it comes to foreigners, he is very tolerant. He does not expect them to follow the same rules; however, at the same time he expects they will not interfere with their application to Afghans.

COMMENT

¶11. Comment: (SBU) Dr. Sabit is expected to be a very aggressive and capable Attorney General and certainly is highly qualified for the post. The Embassy is encouraged by his nomination because he is competent, qualified, and serious about necessary reforms; we hope he is confirmed by Parliament. UN and EU officials are concerned about his conservative views but did not offer Karzai a better candidate. Sabit does have a reputation for sometimes being a bit "wild" in tackling issues on his own and sometimes

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raising a fuss; it is a risk we think is worthwhile taking if we can get movement on corruption. He knows the Ambassador supported his nomination (so does half of Kabul and President Karzai is telling those who complain about the appointment that the Americans made him do it; an exaggeration). Sabit has said he will consult closely with us but we will see how this develops. Sabit is likely to undertake needed reform in the AG's office and actively fight corruption. That being said, we need to keep in mind his conservative leanings and remember that while he will be open to our suggestions, he has strong views of his own that he will not easily abandon.

NEUMANN